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DAVID A. SPECTOR

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Bruce Jacobs,

Plaintiff,

V.

Bank of America Corporation, et al.

Defendants.

Case No. 2:17-mc-97

(United States District Court, Southern
District of Florida, Miami District, Florida
Case No. 1:15-cv-24585-UU)

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF NON-PARTY DAVID A.
SPECTOR'S MOTION TO QUASH
SUBPOENA TO TESTIFY AT A
DEPOSITION IN A CIVIL ACTION**

1 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Evidence 201, Non-Party
2 David A. Spector respectfully requests that, in support of Mr. Spector's Motion to Quash
3 Subpoena to Testify at a Deposition in a Civil Action, the Court take judicial notice of the
4 Superior Court of Los Angeles' July 15, 2015 ruling in *Bank of America v. Frans Trisnadi*,
5 Case No. LS026806, granting David Spector's Petition for Protective Order Quashing
6 Deposition Subpoena in Action Pending Outside of California.

8 Federal Rule of Evidence 201 provides that, "if requested by a party and supplied with
9 the necessary information," a court "must take judicial notice" of a fact "not subject to
10 reasonable dispute because it . . . can be accurately and readily determined from sources whose
11 accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b)(2), (d). In particular, a
12 district court "may take notice of proceedings in other courts, both within and without the
13 federal judiciary system, if those proceedings have a direct relation to matters at issue." *Bias v.*
14 *Moynihan*, 508 F.3d 1212, 1225 (9th Cir. 2007) (internal quotations omitted); *see also Reyn's*
15 *Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (courts "may take
16 judicial notice of court filings and other matters of public record"). In particular, federal courts
17 can take judicial notice of unpublished state court orders. *See, e.g., Saini v. Motion*
18 *Recruitment Partners, LLC*, 2017 WL 1536276, at *1 (C.D. Cal. March 6, 2017) (taking
19 judicial notice of the reasoning of two California Superior Court orders); *Linder v. Bridge*,
20 2015 WL 1778608, at *5 n.4 (N.D. Cal. April 17, 2015) (taking judicial notice of unpublished
21 California Superior Court decision); *Fostano v. Pioneer Credit Recovery, Inc.*, No. 13-80511,
22 2013 WL 6002218, at *1 (S.D. Fla. Nov. 12, 2013) (taking judicial notice of public court
23 records).

Under the foregoing authorities, the Court should take judicial notice of the unpublished July 15, 2015 ruling in *Bank of America v. Frans Trisnadi*, Superior Court of Los Angeles Case No. LS026806, granting David Spector's Petition for Protective Order Quashing Deposition Subpoena in Action Pending Outside of California, attached hereto as Exhibit A. The document is a matter of public record, given that it was published publicly on the website for the Los Angeles Superior Court. Further, the opinion relates to a similar and related case, given that it was deciding a Petition for a Protective Order quashing a deposition subpoena served upon Mr. Spector, requesting his testimony related to an endorsement on a note bearing his signature. Finally, the opinion is a part of the Los Angeles Superior Court's files and its authenticity cannot be reasonably questioned. Accordingly, Mr. Spector respectfully requests that the Court take judicial notice of Exhibit A.

Dated: July 26, 2017.

By: /s/ *Leiv Blad*

Leiv Blad

LOWENSTEIN SANDLER LLP
Attorney for Non-Party
DAVID A. SPECTOR